

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 3:22-cv-630-MOC-DSC

SARA BETH WILLIAMS, BRUCE)
KANE, JASON YEPKO, GUN OWNERS)
OF AMERICA, INC., GUN OWNERS)
FOUNDATION, GRASS ROOTS NORTH)
CAROLINA, and RIGHTS WATCH)
INTERNATIONAL,)

Plaintiffs,)

v.)

SHERIFF GARRY MCFADDEN,)
in his official capacity as Sheriff of)
Mecklenburg County and the)
MECKLENBURG COUNTY)
SHERIFF'S OFFICE,)

Defendants.)

**MOTION FOR LEAVE TO
FILE BRIEF IN SUPPORT
OF DEFENDANTS'
MOTION TO DISMISS**

NOW COMES movant intervenor the State of North Carolina (herein after as “the State of North Carolina”), by and through the undersigned counsel, and hereby submits this motion for leave to file an intervenor brief in support of defendants’ motion to dismiss [D.E. 16] pursuant to L. Civ. R. 7.1. In support of this motion, the State of North Carolina shows to the Court the following:

On November 28, 2022, Plaintiffs filed this action against Sheriff Garry McFadden in his official capacity as Sheriff of Mecklenburg County, and the Mecklenburg County Sheriff’s Office [D.E. 1].

On February 6, 2023, Defendants Sheriff Garry McFadden and Mecklenburg County Sheriff’s Office moved to dismiss Plaintiffs’ Complaint for lack of subject matter

jurisdiction and failure to state a claim upon which relief can be granted pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) [D.E. 16].

On February 7, 2023, the State of North Carolina filed a notice and brief in support of its conditional intervention [D.E. 17, 18].

Pursuant to L. Civ. R. 7.1(b), the State of North Carolina has consulted with the counsel for Plaintiffs and Defendants, and all parties consent to this motion.

The State of North Carolina respectfully requests that the Court deem its brief in support of defendants' motion to dismiss as filed.

The State of North Carolina has concurrently filed the accompanying brief in support of defendant's motion to dismiss, pursuant to L. Civ. R. 7.1(c), as an attachment to this motion.

Respectfully submitted, this 21st day of February, 2023.

JOSHUA H. STEIN
Attorney General

/s/ Michael Bulleri
Michael Bulleri
Special Deputy Attorney General
N.C. State Bar No. 35196
N.C. Department of Justice
Post Office Box 629
Raleigh, NC 27602
Telephone: (919) 716-6900
Fax: (919) 716-6763
Email: mbulleri@ncdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing document with the clerk of Court using the CM/ECF system which will send notification of such to all counsel of record in this matter.

This 21st day of February, 2023.

/s/ Michael Bulleri
Michael Bulleri
Special Deputy Attorney General